

REMARKS

In this Office Action, the Examiner rejected claims 4-6, 8-13, 16-17 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter. More specifically, the Examiner stated claims 4-5, 8-9, 16-17 recite EBFP, YFP and GFP, and that the specification provides a definition for the same. The Examiner requested that Applicants provide a definition for that same “EBFP” term.

Applicants and the undersigned apologize for not elaborating in the specification *per se* on what the well-known EBFP acronym, which conveys to those skilled in the art “Enhanced Blue Fluorescent Protein”. Because it was repeatedly referenced, particularly in originally filed claims 4, 8 and 17, a cross-reference to that same acronym has been inserted into the specification below. It is respectfully submitted that no new matter has been added thereby.

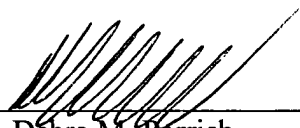
The Examiner rejected claim 1 under 102(b) as being anticipated by Tsien U.S. Patent No. 5,998,204 (“Tsien”). Claims 1-3 were rejected for anticipation by Lakowicz U.S. Patent No. 6,197,534 (“Lakowicz”). Claims 1-3, 5, 7, 9 and 14 were rejected for obviousness over Lakowicz; and claims 1-3, 5 and 9 were rejected for obviousness over Lakowicz, further in view of 2002 PNAS publication by Fehr et al (“Fehr”). Finally, the Examiner rejected claim 15 for obviousness over a combination of Tsien with Lakowicz. All of these references were cited, and distinguished from, in the prior art discussion of Applicants’ specification as filed. Nevertheless, in the spirit of cooperation and to better advance this case to a more clearly allowable level, Applicants and the undersigned have narrowed the scope of each independent claim, namely claims 1, 7 and 15 hereinabove, to better emphasize the novelty of their using: (i) a reversibly glucose bound moiety; whose

second and third moieties interact to produce a (ii) fluorescent change, that (iii) is optically detectable by external means; when (iv) in subcutaneous contact with a fluid of interest. No such combination of items (i), (ii), (iii) and (iv) can be found in any appropriate combinations of Tsien, Lakowicz and Fehr. Accordingly, it is respectfully submitted that all rejections of remaining, amended claims 1-9 and 12-17 should be reconsidered and withdrawn.

Respectfully submitted,

PARRISH LAW OFFICES

By



Debra M. Parrish
Attorney for Applicant
Registration No. 38,032
615 Washington Rd., Suite 200
Pittsburgh, PA 15228
Telephone: 412-561-6250
Facsimile: 412-561-6253